

LOUISIANA BOARD OF ETHICS  
MINUTES  
April 19, 2013

The Board of Ethics met on April 19, 2013 at 9:00 a.m. in the LaBelle Room on the 1<sup>st</sup> floor of the LaSalle Building located at 617 North Third Street, Baton Rouge, Louisiana, with Board Members Backhaus, Blewer, Bruneau, Ingrassia, McAnelly, Monroe, Shelton and Stafford present. Absent were Board Members Leggio, Lemke and Schneider. Also present were the Ethics Administrator, Kathleen Allen; the Executive Secretary, Deborah Grier; and Counsel Tracy Barker, Aneatra Boykin, Mike Dupree, Brent Durham and Suzanne Mooney.

Mr. Gregory St. Etienne, a member of the FirstLine Schools, Inc. Board of Directors, Mr. Lawrence Kullman, attorney and Chairman of FirstLine Schools, Inc., and Mr. Jay Altman, CEO of FirstLine Schools, Inc., appeared before the Board in Docket No. 12-2160 in connection with a request for an advisory opinion regarding whether Mr. St. Etienne may resign from the Board of Directors of FirstLine Schools, Inc., accept employment with a private, nonprofit foundation and provide services to FirstLine Schools, Inc. through the nonprofit. After hearing from Mr. St. Etienne, Mr. Kullman and Mr. Altman, the Board allowed their request to withdraw the advisory opinion request.

Board Member Lemke arrived at the meeting at 9:20 a.m.

Mr. Larry Thibodeaux, a member of the Sweet Potato Board, appeared before the Board in connection with a request in Docket No. 13-253 for a waiver of the \$1,500 late fee assessed against him for filing his 2010 Tier 2.1 annual personal financial disclosure statement 366 days late. After hearing from Mr. Thibodeaux, on motion made, seconded and passed, the Board waived the \$1,500

late fee based on the waiver guidelines.

The Board considered a request in Docket No. 13-283 for a waiver of the \$1,500 late fee assessed against Derrick Frazier, a member of the Sicily Board of Aldermen, for filing his 2009 Tier 3 annual personal financial disclosure statement 288 days late. On motion made, seconded and unanimously passed, the Board waived the late fee based on the waiver guidelines.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 13-313 for a waiver of the \$60, \$600, and \$600 late fees assessed against Justin L. Conner, Sr., a candidate for State Representative, District 21 in the October 22, 2011 election, for filing his 30-P, EDE-P, and 10-G campaign finance disclosure reports 1, 358 and 17 days late. On motion made, seconded and unanimously passed, the Board deferred the matter to the May meeting at Mr. Conner's request.

Mr. Derek Babcock, a candidate for State Senate, District 13 in the October 22, 2011 election, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in connection with a request in Docket No. 13-339 for a waiver of the \$1,140 late fee assessed against him for filing his Supplemental campaign finance disclosure report 19 days late. After hearing from Mr. Babcock, on motion made, seconded and unanimously passed, the Board waived the \$1,140 late fee.

Mr. Normand Pizza and Mr. Andrew Capitelli, attorneys for Dr. Katherine Williams and St. Tammany Parish Hospital, Hospital Service District No. 1 (STPH), appeared before the Board in Docket No. 13-397 in connection with a request for an advisory opinion regarding whether Dr. Williams may serve as a member of the St. Tammany Parish Hospital Board and whether she may receive payments for services provided as a physician from insurers while a member of the St.

Tammany Parish Hospital Board. After hearing from Mr. Pizza and Mr. Capitelli, on motion made, seconded and unanimously passed, the Board concluded that (1) no violation of the Code of Governmental Ethics is presented by Dr. Williams serving on the STPH Board of Commissioners and as a member of the Company's Board of Managers, since Dr. Williams' membership interest in the Company, and her receipt of payments attributable to that membership interest is directly related to her practice of medicine, provided that Dr. Williams will recuse herself from participating in transactions before the STPH Board of Commissioners that are related to a contract between STPH and the Company; and, (2) no violation of the Code of Governmental Ethics is presented by Dr. Williams receiving payments, such as fees provided as a physician or payments from attaining benchmarks as a physician, since the payment would not be the result of serviced provided or related to Dr. Williams' work for the Board of Commissioners, but rather for work provided and benchmarks met as a physician member of the Company. The Board further advised that since the providers in question would have a financial relationship with the Board of Commissioners for the hospital, then generally Dr. Williams would be prohibited from receiving things of economic value from the providers. However, the exception to the Code of Governmental Ethics provided by Act 703 of the 2012 Regular Session, is applicable in that the exception appears to allow a licensed physician to receive a thing of economic value which results from the contract between the physician and the provider. The Board also advised that Act 703 requires that all contracts entered into while the physician is a member of the board of commissioners, and for two years following the termination of his service on the board, shall be disclosed to the Board of Ethics within thirty days of the execution of the contract.

Ms. Denise Holden, a candidate for Orleans City Council in the February 6, 2010 election,

appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in connection with a request in Docket No. 13-291 for a waiver of the \$600 late fee assessed against her for filing her Supplemental campaign finance disclosure report 10 days late. After hearing from Ms. Holden, on motion made, seconded and unanimously passed, the Board waived the \$600 late fee.

Mr. Emmitt Coleman, a candidate for Franklin Parish Sheriff in the October 22, 2011 election, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in connection with a request in Docket No. 13-314 for a waiver of the \$2,000, \$2,000, \$2,000, and \$2,000 late fees assessed against him for filing his 30-P, 10-P, EDE-P and 10-G campaign finance disclosure reports 529,509,489, and 481 days late. On motion made, seconded and unanimously passed, the Board declined to consider the waiver request by Mr. Coleman, since the matter had been heard by the Ethics Adjudicatory Board which ordered that Mr. Coleman be assessed the late fees totaling \$8,000.

Mr. Greg Baldwin, a member of the East Baton Rouge Parish School Board, appeared before the Board in connection with a request in Docket No. 13-280 for a waiver of the \$2,500 late fee assessed against him for filing his 2010 Tier 2 annual personal financial disclosure statement 333 days late. After hearing from Mr. Baldwin, on motion made, seconded and unanimously passed, the Board waived the \$2,500 late fee based on the waiver guidelines.

Ms. Stephanie Davis, a member of the International School of Louisiana Board, appeared before the Board in connection with a request in Docket No. 13-285 for a waiver of the \$800 late fee assessed against her for filing her 2008 Tier 2.1 annual personal financial disclosure statement 16 days late. After hearing from Ms. Davis, on motion made, seconded and unanimously passed, the

Board waived the \$800 late fee based on the waiver guidelines.

Ms. Marilyn Ardoin, a member of the Evangeline Parish Solid Waste Commission, appeared before the Board in connection with a request in Docket No. 13-287 for a waiver of the \$1,500 late fee assessed against her for filing her 2008 Tier 2.1 annual personal financial disclosure statement 337 days late. After hearing from Ms. Ardoin, on motion made, seconded and unanimously passed, the Board waived the \$1,500 late fee based on the waiver guidelines.

Mr. Edwin Patrick, Jr., a member of the Bunches Bend Protection District (District), appeared before the Board in Docket No. 13-200 in connection with a request for an advisory opinion regarding whether entities partially owned by Mr. Patrick may sell dirt to the Bunches Bend Protection District. After hearing from Mr. Patrick, on motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by the District purchasing dirt from the proposed limited liability company to which Mr. Patrick will convey his property, since Mr. Patrick will resign from his position as a commissioner of the District and will in no way assist the limited liability company in the transaction. The Board declined to render an advisory opinion with respect to the District purchasing dirt from the Michael Brown Family Limited Partnership (MBFLP) prior to Mr. Brown's resignation from the District, since the matter involved past conduct. The Board further advised that no violation of the Code of Governmental Ethics is presented by the District paying MBFLP the appraised value of the dirt after Mr. Brown resigns from the District, provided Mr. Brown does not assist MBFLP in the transaction with the District.

Senator Dan Morrish, a member of the Louisiana Citizens Property Insurance Corporation Board of Directors, and Ms. Denise Brignac, an employee of the Department of Insurance, appeared

before the Board in Docket No. 13-468 in connection with a request for an advisory opinion regarding whether he may resign from the Senate and the Corporation to apply for the Executive Director's position with the Corporation. After hearing from Senator Morris and Ms. Brignac, on motion made, seconded and unanimously passed, the Board deferred the matter to the May meeting.

The Board unanimously resolved into executive session to discuss ongoing litigation.

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**EXECUTIVE BUSINESS**

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The Board unanimously resolved into general session.

The Board recessed at 10:23 a.m. and resumed back into general business session at 10:37 a.m.

On motion made, seconded and unanimously passed, the Board adopted the following general consent agenda items:

On motion made, seconded and unanimously passed, the Board agreed to take action on items G6-G28 en globo subject to any items being removed from the en globo listing for further discussion. On motion made, seconded and unanimously passed, the Board adopted the staff recommendations on items G6-G28, excluding items G10, G15, and G24, taking the following action:

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, dismissed the charges in Docket No. 12-328 issued against Andrew "Candy" Rhodes, a candidate for St. Bernard Parish Council, District E in the October 22, 2011 election, for failing to file his EDE-P campaign finance disclosure report, since Mr. Rhodes filed the required EDE-P report and late fees

had been assessed.

Allowed the withdrawal of a request for an advisory opinion in Docket No. 13-013 regarding whether Dr. Chris Lartigue may contract back with the LSU Bogalusa Medical Center, within two years of the termination of his employment with the LSU Bogalusa Medical Center, to provide psychiatric services, which he provided during his employment with the Medical Center, since Dr. Lartigue had advised the staff that he does not intend to seek employment with LSU Bogalusa Medical Center at this time.

Adopted an advisory opinion in Docket No. 13-117 concluding that no violation of the Code of Governmental Ethics is presented by Savoy's Bail Bonding Service, LLC, owned by Ville Platte Police Officer Nathaniel Savoy, producing bail bonds in parishes other than Evangeline Parish, since the bail bonds being produced by Savoy's Bail Bonding Service is not under the supervision or jurisdiction of the Ville Platte Police Department.

Adopted an advisory opinion in Docket No. 13-203 concluding that Section 1121B(1) of the Code of Governmental Ethics prohibits Ellroy James, a former attorney for the Louisiana Department of Revenue (LDR), for two years following the termination of his public service, from representing any client for whom he participated in handling their case while employed with LDR. The Board further advised that there is no two year prohibition against Mr. James representing clients against LDR where he did not participate in any way in matters involving those clients during his service as a public employee.

Adopted an advisory opinion in Docket No. 13-298 concluding that no violation of the Code of Governmental Ethics is presented by Greg Murphy, an Assistant District Attorney for the 21<sup>st</sup> Judicial District Court, or his law firm, Morain & Murphy, representing individuals and corporations

that lobby the East Baton Rouge Parish Metro Council on certain issues, since Mr. Murphy's agency is the 21<sup>st</sup> Judicial District Court and not the East Baton Rouge Parish Metro Council. The Board further advised that individuals and corporations that would lobby the East Baton Rouge Parish Metro Council are not prohibited sources pursuant to Section 1111C(2)(d) because they do not have a business, contractual or financial relationship with Mr. Murphy's agency, the 21<sup>st</sup> Judicial District Court.

Adopted an advisory opinion in Docket No. 13-221 concluding that no violation of the Code of Governmental Ethics is presented by an individual being appointed to the Lady of the Sea Hospital Board while his wife is employed by the Lady of the Sea Hospital as a Laboratory Manager/Medical Technologist, since the nominee's wife has been employed with the Lady of the Sea Hospital since August 11, 2003.

Adopted an advisory opinion in Docket No. 13-222 concluding that no violation of the Code of Governmental Ethics is presented by the Town of Mamou obtaining insurance coverage from Dupuis Insurance Co., a local insurance company in which the elected Police Chief, Gregory Dupuis, is part owner, since Chief Dupuis' agency is the Mamou Police Department and the contract for insurance service will be with the Town of Mamou.

Allowed the withdrawal of a request for an advisory opinion in Docket No. 13-225 regarding whether Michael Habetz, a member of the Iota Long Point Drainage Board and a Constable, Ward 4, may serve as an independent contractor for the Acadia Parish School Board, since the school board chose to use the current contractor for the job.

Declined to render an advisory opinion in Docket No. 13-233 regarding whether board meetings of the Terrebonne Parish Fire District #10 and the DuLarge Volunteer Fire Department may

be transmitted electronically to a member of its Board of Commissioners by computer to his work location, since no ethics issues were presented.

Adopted an advisory opinion in Docket No. 13-237 concluding that no violation of the Code of Governmental Ethics is presented by the Bossier Parish Sheriff's Office and the Young Marines Program holding a fund raiser to fund the expense of the trip for the Young Marines, since no employee of the Bossier Parish Sheriff's Office would participate in the fund raising nor would they benefit from the funds after they are raised.

Adopted an advisory opinion in Docket No. 13-259 concluding that no violation of the Code of Governmental Ethics is presented by Patrick S. MacDanel, a former employee of the Department of Transportation and Development (DOTD), contracting to provide documentation services for the National Environmental Protection Act (NEPA) within two years from the termination of his public employment, since Mr. MacDanel did not work on NEPA documentation while he was employed with the DOTD and since Mr. MacDanel will be providing different services for NEPA than he provided for DOTD.

Adopted an advisory opinion in Docket No. 13-265 concluding that no violation of the Code of Governmental Ethics is presented by the City of Franklin buying cars from Lapeyrouse Motors while Chuck Autin, a member of the Franklin City Council, is employed by Lapeyrouse Motors, since Mr. Autin does not have an interest in the dealership nor does he participate in the transaction between the City of Franklin and the dealership. The Board further advised that Mr. Autin, as an elected official, who is a salaried employee of the dealership with no ownership interest in the dealership and who does not serve as an officer, trustee or partner of the dealership, meets all of the qualifications for the 82-02D exception to apply and that Section 1114 of the Code of Governmental

Ethics requires Mr. Autin to file a disclosure statement with the Board disclosing the income that he receives from a company that does business with his agency.

Adopted an advisory opinion in Docket No. 13-267 concluding that no violation of the Code of Governmental Ethics is presented by Lynn Guidry, a member of the Lafayette Parish School System's (LPSS) "Community Education Plan Committee", bidding on a project with the Lafayette Parish School System for architecture services, since the contract would be between Mr. Guidry and the LPSS and between Mr. Guidry and the Committee.

Adopted an advisory opinion in Docket No. 13-272 concluding that no violation of the Code of Governmental Ethics is presented by Robert Gray, an employee of the Architectural Services Division of the Department of Public Works for East Baton Rouge City-Parish, may provide architectural services to the brother, (Patrick Keller) of an employee (Joe Keller) of a contractor (Charles Carter Construction) to the City of Baton Rouge, since Patrick Keller is not an owner of Charles Carter Construction nor has he entered into any business relationship with the Architectural Services Division of the Department of Public Works.

In order to obtain additional information, deferred to the May meeting a request for an advisory opinion in Docket No. 13-294 regarding a potential conflict of interest between Eric Miller, a candidate for Kenner City Council in 2014, and his wife's company, Miller Foto of Kenner, LLC.

Adopted an advisory opinion in Docket No. 13-299 concluding that no violation of the Code of Governmental Ethics is presented by Nolan Marshall, an employee of the Downtown Development District for the City of New Orleans, being appointed to the New Orleans City Planning Commission, since Section 1102(21)(a) of the Code of Governmental Ethics exempts the interest a public servant has in his position, office rank, salary, per diem or other matter arising from

his public employment or office from the definition of substantial economic interest.

Adopted an advisory opinion in Docket No. 13-304 concluding that Sections 1121A(2) and 1121G of the Code of Governmental Ethics prohibits Larry Bergeron, former member of the Morgan City Council, from being appointed by the mayor, subject to the city council's approval, to the Cemetery Committee within two years of the expiration of his term of office.

Adopted an advisory opinion in Docket No. 13-311 concluding that Section 1121A(2) of the Code of Governmental Ethics prohibits Kevin Voisin, a former member of the Terrebonne Parish Council, from being appointed to serve on the Terrebonne Economic Development Authority Board for a period of two years from January, 2012 which marked the end of his service on the Terrebonne Parish Council.

Adopted an advisory opinion in Docket No. 13-353 concluding that no violation of the Code of Governmental Ethics is presented by Linda Pullit being promoted to the Director of Nursing (DON) position at the Louisiana Northwest War Veterans Home (Home) while her sister, Wanda Harris, is employed as a registered nurse at the Home, since Ms. Harris has been employed by the Home for more than one year prior to her sister becoming the DON and since Mr. Hines, the Administrator for the Home, will personally assume all administrative duties with respect to Ms. Harris to prevent any future conflict including conducting all her evaluations, processing all paperwork and handling any disciplinary issues should they arise.

Adopted an advisory opinion in Docket No. 13-204 concluding that there are no provisions in either the Campaign Finance Disclosure Act or the Code of Governmental Ethics which would force the spouse, an employee of Jefferson Parish, of Carl Contranchis, former Clerk of Court for the City of Gretna, to move out of their home during his campaign for a position on the Gretna City

Council or prohibit Mr. Contrachis' spouse from assisting with his campaign. The Board further advised that Section 1505.2I(5) of the Campaign Finance Disclosure Act would prohibit Mr. Contrachis' spouse from receiving payments for any services that she provides to the campaign.

Declined to render an advisory opinion in Docket No. 13-230 regarding whether Donna Bertrand, the Human Resource Director for Acadia Parish Police Jury, may be appointed and have a vote on the Personnel Committee for the Police Jury, since the request involved past conduct. Board Member Lemke abstained from voting.

Adopted an advisory opinion in Docket No. 13-303 concluding that Section 1121A of the Code of Governmental Ethics prohibits Raymond Impastato, the IT GEO Manager for the Oyster Lease Section of the Department of Wildlife and Fisheries (DWF), from conducting oyster lease surveys for compensation for two years following his retirement from the DWF, since Mr. Impastato is the agency head for the Oyster Lease Section of the DWF.

Dismissed the charges against Jeffery Weed in Docket No. 12-972 in connection with his failure to file a 2010 Tier 3 annual personal financial disclosure statement, since the statement had been filed.

Dismissed the charges against Joseph Jason in Docket No. 12-1094 in connection with his failure to file a 2010 Tier 3 candidate personal financial disclosure statement, since the statement had been filed.

Accepted for filing, the disclosure statements filed in Docket No. 13-275 for February, 2013.

Accepted for filing, the disclosure statements filed in Docket No. 13-276 for January, 2013.

The Board considered the following general business agenda items:

On motion made, seconded and unanimously passed, the Board approved the minutes of the

March 15-16, 2013 meetings.

On motion made, seconded and unanimously passed, the Board agreed to take action on items G34-G46 en globo subject to any items being removed from the en globo listing for further discussion. On motion made, seconded and unanimously passed, the Board adopted the staff recommendations on items G34-G46, excluding items G35 and G46, taking the following action:

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 12-536 for reconsideration of a waiver of the \$1,400 late fee assessed against the Shreveport Committee on Political Education, a political action committee, for filing its EDE-G campaign finance disclosure report 7 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,400 late fee.

The Board considered a request in Docket No. 12-2145 for reconsideration of a waiver of the \$2,500 late fee assessed against Sarah Lee, Concordia Parish Coroner, for filing her 2011 Tier 2 annual personal financial disclosure statement 115 days late. On motion made, seconded and unanimously passed, the Board declined to reconsider the waiver request.

The Board considered an untimely request in Docket No. 13-053 for a waiver of the \$1,500 late fee assessed against Douglas Miller, Tensas Parish Constable, for filing his 2010 Tier 3 annual personal financial disclosure statement 222 days late. On motion made, seconded and unanimously passed, the Board declined to consider the waiver request due to untimeliness.

The Board considered an untimely request in Docket No. 13-055 for a waiver of the \$1,500 late fee assessed against Shane Hart, a member of the Boeuf River Soil & Water Commission, for filing his amended 2008 Tier 2.1 annual personal financial disclosure statement 704 days late. On motion made, seconded and unanimously passed, the Board declined to consider the waiver request

due to untimeliness.

The Board considered an untimely request in Docket No. 13-086 for a waiver of the \$750 late fee assessed against Julie Vezinot, a member of the Commerce and Industry Board, for filing her 2010 Tier 2.1 annual personal financial disclosure statement 15 days late. On motion made, seconded and unanimously passed, the Board declined to consider the waiver request due to untimeliness.

The Board considered an untimely request in Docket No. 13-087 for a waiver of the \$500 and \$1,500 late fees assessed against Harry Voight, Jr., Village of Provencal Police Chief, for filing his 2009 Tier 3 annual personal financial disclosure statement 10 days late and his 2009 Tier 3 candidate personal financial disclosure statement 402 days late. On motion made, seconded and unanimously passed, the Board declined to consider the waiver request due to untimeliness.

The Board considered an untimely request in Docket No. 13-088 for a waiver of the \$1,500 late fee assessed against Joseph Cassimere, a member of the St. Landry Parish School Board, for filing his 2012-2013 school board disclosure statement 42 days late. On motion made, seconded and unanimously passed, the Board declined to consider the waiver request due to untimeliness.

The Board considered an untimely request in Docket No. 13-089 for a waiver of the \$650 late fee assessed against Maria Coleman, candidate for the Roseland Board of Aldermen, for filing her 2011 Tier 3 candidate personal financial disclosure statement 13 days late. On motion made, seconded and unanimously passed, the Board declined to consider the waiver request due to untimeliness.

The Board considered an untimely request in Docket No. 13-090 for a waiver of the \$2,500 late fee assessed against Shelly Tastet, a member of the St. Charles Parish Council, for filing his

2009 Tier 2 annual personal financial disclosure statement 136 days late. On motion made, seconded and unanimously passed, the Board rescinded the \$2,500 late fee based on Rule 1205.

The Board considered an untimely request in Docket No. 13-092 for a waiver of the \$1,500 late fee assessed against Naomi Houston, a member of the Cotton Valley Board of Aldermen, for filing her 2010 Tier 3 candidate personal financial disclosure statement 208 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,500 late fee but suspended the entire late fee conditioned upon future compliance with the Code of Governmental Ethics, since Ms. Houston submitted documentation to support financial hardship.

The Board considered an untimely request in Docket No. 13-094 for a waiver of the \$850 late fee assessed against Fred Ballard, a member of the Provencal Board of Aldermen, for filing his 2010 Tier 3 annual personal financial disclosure statement 17 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$850 late fee but suspended the entire late fee conditioned upon future compliance with the Code of Governmental Ethics, since Mr. Ballard submitted documentation to support significant financial hardship and it was his first late filing.

The Board considered a request in Docket No. 12-2100 for reconsideration of a waiver of the \$1,500 late fee assessed against Clarice Kirkland, a member of the New Orleans Council on Aging, for filing her amended 2009 Tier 2.1 annual personal financial disclosure statement 525 days late. On motion made, seconded and unanimously passed, the Board deferred the matter to later in the meeting.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 13-106 for reconsideration of an advisory opinion regarding whether Judge Robert Murphy, Fifth Circuit Court of Appeal, may use his campaign funds to pay

two weeks pay to an employee. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics or the Campaign Finance Disclosure Act is presented by Judge Murphy reimbursing the employee for two weeks pay from his campaign funds during a time period in which the individual was not employed by the Fifth Circuit Court of Appeals, since the individual was not an employee of the Fifth Circuit Court of Appeal at the time the services were provided and since the services provided to Judge Murphy were to assist in his preparation of cases that were to be heard by him as a Judge for the Fifth Circuit Court of Appeals.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request for an advisory opinion in Docket No. 13-184 regarding whether the Louisiana Bankers Association PAC may give a contribution to a 501(c)(6) organization. On motion made, seconded and unanimously passed, the Board concluded that Section 1505.2I of the Campaign Finance Disclosure Act prohibits the Louisiana Bankers Association PAC from using its campaign funds to make contributions to 501(c)(6) organizations.

The Board considered a request for an advisory opinion in Docket No. 13-211 regarding the propriety of University of New Orleans (UNO) campus organizations accepting donated items of substantial value from private companies that have a business relationship with UNO and conducting events wherein employees of UNO may win those donated items. On motion made, seconded and unanimously passed, the Board concluded that Section 1115 of the Code of Governmental Ethics prohibits the employees of UNO from receiving donated items made to campus organizations at UNO, since the private companies making the donations have a business relationship with UNO and would be considered a prohibited source to UNO employees.

The Board considered a request for an advisory opinion in Docket No. 13-231 regarding the

post employment restrictions applicable to Gail Kelso upon the termination of her employment with the Louisiana Department of Child and Family Services (DCFS) to seek employment with the National Center for Professional Development and Workforce Initiatives as a Technical Assistance Specialist. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by Ms. Kelso obtaining employment with the National Center for Professional Development and Workforce Initiatives, since she will not be contracting with her former agency nor will she be assisting another person in a contract or transaction with her former agency.

The Board considered a request for an advisory opinion in Docket No. 13-309 regarding whether Paul Distefano, a former member of the Iberia Parish School Board, may apply for a promotion with the school district where he was previously permitted to accept a teaching position with the school system. On motion made, seconded and unanimously passed, the Board concluded that Section 1121A(2) of the Code of Governmental Ethics prohibits Mr. Distefano from seeking other positions in the school system that do not require a teaching certificate and are classroom teaching positions.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 13-341 for reconsideration of a waiver of the \$400 late fee assessed against Belton Moore, a candidate for Alderman-at-Large for the Town of Vivian in the October 2, 2010 election, for filing his Special campaign finance disclosure report 14 days late. On motion made, seconded and passed by a vote of 5 yeas by Board Members Ingrassia, Lemke, McAnelly, Shelton and Stafford and 4 nays by Board Members Backhaus, Blewer, Bruneau and Monroe, the Board declined to waive the \$400 late fee but suspended the entire late fee conditioned

upon future compliance with the Campaign Finance Disclosure Act.

The Board considered bills introduced for the 2013 Regular Legislative Session that affect the laws under the jurisdiction of the Board of Ethics. Following the legislative overview provided by Ms. Allen, the Board reviewed the proposed legislation filed in connection with the 2013 Regular Legislative Session and on motion made, seconded and unanimously passed, took the following action:

HCR 1& SCR 19 = No Position  
HCR 21 = No Position  
HB 14 = Withdrawn  
HB 156 = No Position  
HB 250 = No Position  
HB 264 = No Position

Pursuant to a request by Board Member Lemke, the Board consider the request in Docket No. 12-1168 for a waiver of the \$1,500 late fee assessed against Mario Brown, White Castle Police Chief, for filing his 2009 Tier 3 annual personal financial disclosure statement 362 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,500 late fee.

Board Member Lemke was excused from the meeting at 11:24 a.m.

The Board resumed its review of the proposed legislation filed in connection with the 2013 Regular Legislative Session that affects the laws under the jurisdiction of the Board of Ethics. On motion made, seconded and unanimously passed, the Board took the following action:

HB 341 = No Action  
HB 387 = Oppose in part with respect to procedural requirements  
HB 454 = Oppose  
HB 479 = No Position  
HB 488 = No Position  
HB 498 = No Position  
HB 621 = No Position  
SB 61 = No Position

SB 129 = No Position  
SB 148 = No Position  
SB 212 = No Position

On motion made, seconded and unanimously passed, the Board directed the staff to advise the Legislature of the Board's position with respect to the proposed legislation.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered requests for "good cause" waivers of late fees assessed against the following candidates and political committees:

The Board unanimously declined to waive the late fees assessed against the following:

Docket No. 13-273 from Citizens for West Feliciana of a \$440 late fee;  
Docket No. 13-290 from SEIU Local 21 LA PAC of an \$800 late fee; and,  
Docket No. 13-340 from Richard Foster of a \$600 late fee.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 13-292 for a waiver of the \$400 late fee assessed against Cade Benoit, a candidate for Acadia Parish Police Jury, District 7 in the October 22, 2011 election, for filing his 10-G campaign finance disclosure report 350 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$400 late fee but suspended \$300 conditioned upon future compliance with the Campaign Finance Disclosure Act.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 13-337 for a waiver of the \$2,000, \$2,000, \$2,000, and \$2,000 late fees assessed against Home Builder Association of Central LA, a political action committee, for filing its 10-G campaign finance disclosure report for the March 27, 2010 election 456 days late and the 30-P, 10-P, and 10-G campaign finance disclosure reports for the October 2, 2010 election 322, 302, and 269 days late. On motion made, seconded and unanimously passed, the Board deferred the

matter to the May meeting.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 13-338 for a waiver of the \$420 late fee assessed against Joseph B. Cormier, a candidate for Lafayette City Court Marshal in the October 4, 2008 election, for filing his Supplemental campaign finance disclosure report 7 days late. On motion made, seconded and unanimously passed, the Board waived the \$420 late fee, since Mr. Cormier timely submitted the report in paper format and did not receive the staff's letter regarding the requirement to electronically file until after the date the reports were due.

The Board considered requests for "good cause" waivers of late fees assessed against the following individuals in connection with the failure to timely file personal financial disclosure reports:

The Board considered a request in Docket No. 12-1952 for a waiver of the \$1,500, \$1,500 and \$1,500 late fees assessed against Brad Robin, Sr., a member of the Louisiana Oyster Task Force, for filing his 2009 Tier 2.1 annual personal financial disclosure statement 406 days late; his 2010 Tier 2.1 annual personal financial disclosure statement 406 days late; and his 2011 Tier 2.1 annual personal financial disclosure statement 48 days late. On motion made, seconded and unanimously passed, the Board waived the late fees totaling \$4,500, since all notices sent to Mr. Robin were mailed to an address of the Oyster Task Force Office that was used prior to Katrina and he did not receive the notices. It appears that the address used on the notices is not the address disclosed by Mr. Robin on his reports.

The Board considered a request in Docket No. 12-2097 for a waiver of the \$2,500 late fee assessed against Houston Rax, Jr., a candidate for Alexandria City Council in the November 6, 2012

election, for filing his 2011 Tier 2 candidate personal financial disclosure statement 25 days late. On motion made, seconded and unanimously passed, the Board waived the \$2,500 late fee based on the waiver guidelines.

The Board considered a request in Docket No. 13-083 for a waiver of the \$1,500 late fee assessed against Clovis Mathews, Sr., a candidate for the Clinton Board of Aldermen in the November 6, 2012 election, for filing his 2011 Tier 3 candidate personal financial disclosure statement 40 days late. On motion made, seconded and unanimously passed, the Board waived the \$1,500 late fee based on the waiver guidelines.

The Board considered a request in Docket No. 13-254 for a waiver of the \$1,500 and the \$1,500 late fees assessed against Eddie Hearn, a member of the Caldwell Parish Police Jury, for filing his 2009 and 2010 Tier 3 annual personal financial disclosure statements 315 days and 315 days late. On motion made, seconded and unanimously passed, the Board waived the \$1,500 late fee in connection with the 2009 Tier 3 annual personal financial disclosure statement and declined to waive the \$1,500 late fee in connection with the 2010 Tier 3 annual personal financial disclosure statement but suspended \$1,000 conditioned upon future compliance with the Code of Governmental Ethics and based on the waiver guidelines.

The Board considered a request in Docket No. 13-255 for a waiver of the \$1,500 late fee assessed against Bobby Joe Milner, Village of Choudrant Police Chief, for filing his 2009 Tier 3 annual personal financial disclosure statement 295 days late. On motion made, seconded and unanimously passed, the Board waived the \$1,500 late fee based on the waiver guidelines.

The Board considered a request in Docket No. 13-256 for a waiver of the \$2,500, \$2,500 and \$2,500 late fees assessed against Lisa Chafford, Bastrop City Marshall, for filing her 2009 Tier 2

annual personal financial disclosure statement 315 days late, her 2010 Tier 2 annual personal financial disclosure statement 315 days late and her 2011 Tier 2 annual personal financial disclosure statement 48 days late. On motion made, seconded and unanimously passed, the Board waived the \$2,500 late fee in connection with the 2009 Tier 2 annual personal financial disclosure statement, declined to waive the \$2,500 late fee in connection with the 2010 Tier 2 annual personal financial disclosure statement but suspended \$1,500 conditioned upon future compliance with the Code of Governmental Ethics and declined to waive the \$2,500 late fee in connection with the 2011 Tier 2 annual personal financial disclosure statement. The Board further instructed the staff to offer a payment plan to Ms. Chafford.

The Board considered a request in Docket No. 13-257 for a waiver of the \$500 late fee assessed against Alice Guess, a member of the Leesville City Council, for filing her amended 2010 Tier 2 annual personal financial disclosure statement 5 days late. On motion made, seconded and unanimously passed, the Board waived the \$500 late fee based on the waiver guidelines.

The Board considered a request in Docket No. 13-279 for a waiver of the \$1,500 and \$1,500 late fees assessed against Robert Williams, a member of the Lane Regional Medical Center Board, for filing his 2009 Tier 2.1 annual personal financial disclosure statement 38 days late and his 2010 Tier 2.1 annual personal financial disclosure statement 38 days late. On motion made, seconded and unanimously passed, the Board waived the \$1,500 late fee in connection with the 2009 Tier 2.1 annual personal financial disclosure statement and declined to waive the \$1,500 late fee in connection with the 2010 Tier 2.1 annual personal financial disclosure statement but suspended \$1,250 conditioned upon future compliance with the Code of Governmental Ethics and based on the waiver guidelines.

The Board considered a request in Docket No. 13-281 for a waiver of the \$2,500, \$2,500 and \$2,500 late fees assessed against Deborah Alexander, a member of the St. Gabriel City Council, for filing her 2009 Tier 2 annual personal financial disclosure statement 339 days late; her 2010 Tier 2 annual personal financial disclosure statement 339 days late; and her 2011 Tier 2 annual personal financial disclosure statement 94 days late. On motion made, seconded and unanimously passed, the Board deferred the matter to the May meeting.

The Board considered a request in Docket No. 13-284 for a waiver of the \$1,500 late fee assessed against Kenneth Kern, a member of the Jeanerette Board of Aldermen, for filing his 2010 Tier 3 candidate personal financial disclosure statement in connection with the April 2, 2011 election 512 days late. On motion made, seconded and unanimously passed, the Board waived the \$1,500 late fee based on the waiver guidelines.

The Board considered a request in Docket No. 13-286 for a waiver of the \$1,500 late fee assessed against Peter Bock, a member of the Killian Board of Aldermen, for filing his 2010 Tier 3 annual personal financial disclosure statement 294 days late. On motion made, seconded and unanimously passed, the Board waived the \$1,500 late fee based on the waiver guidelines.

The Board considered a request in Docket No. 13-288 for a waiver of the \$250 late fee assessed against Floyd Marshall, Sr., a member of the St. James Parish Hospital Service District, for filing his 2013 Hospital Service District Disclosure 5 days late. On motion made, seconded and unanimously passed, the Board waived the \$250 late fee based on the waiver guidelines.

The Board unanimously agreed to consider the following supplemental agenda items:

The Board considered a consent opinion in Docket No. 11-1545 in which John Masson and Hwy. 1 Crawfish, Inc. agree that a violation of Section 1113A of the Code of Governmental Ethics

occurred by Mr. Masson and Hwy. 1 Crawfish, Inc. entering into transactions for the sale of gas to the Natchitoches Parish School Board at a time when Mr. Masson's wife, Donna Masson, served as a member of the Natchitoches Parish School Board and in which John Masson and Hwy. 1 Crawfish, Inc. agree to pay a fine of \$100. On motion made, seconded and unanimously passed, the Board adopted the consent opinion for publication.

The Board reconsidered a request for an advisory opinion in Docket No. 12-102 regarding whether Steve Ramsey, a member of the Webster Parish Police Jury, may provide contractual services for the Village of Heflin. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by Steve Ramsey, a member of the Webster Parish Police Jury, from providing grass cutting services for the Village of Heflin, since Mr. Ramsey will be entering into a contract with the Village of Heflin and not his agency, Webster Parish. The Board further concluded that, for purposes of the Code of Governmental Ethics, the Village of Heflin is not defined as a person.

The Board considered a request for an advisory opinion in Docket No. 13-262 regarding the propriety of Jefferson Davis Parish purchasing property from a company that is owned by a Andrew Guinn, Sr. and Andrew Guinn, Jr., the brother and nephew of Representative Johnny Guinn. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by Jefferson Davis Parish purchasing property from a company that is owned by the brother and nephew of Representative Johnny Guinn, since the proposed sale of the property would be entered into between Jefferson Davis Parish and the company owned by Andrew Guinn, Sr. and Andrew Guinn, Jr. and not Representative Guinn's agency, the legislative branch of government.

The Board considered a request for an advisory opinion in Docket No. 13-271 regarding whether Maria Dugas, a member of the Louisiana State Board of Private Investigator Examiners (LSBPIE), may teach the 40 hour private investigator course. On motion made, seconded and unanimously passed, the Board concluded that Section 1113B of the Code of Governmental Ethics prohibits Ms. Dugas from entering into any transaction under the supervision or jurisdiction of LSBPIE and the instructors of the 40 hour private investigator course must first be approved by the LSBPIE, Ms. Dugas' agency.

The Board considered a request for an advisory opinion in Docket No. 13-359 regarding whether members of the Evangeline Parish Ward 5 Fire Protection District are required to file annual personal financial disclosure statements. On motion made, seconded and unanimously passed, the Board concluded that the members of the Evangeline Parish Ward 5 Fire Protection District are not required to file annual personal financial disclosure statements pursuant to Section 1124.2.1 of the Code of Governmental Ethics, since the Evangeline Parish Ward 5 Fire Protection District was created by Evangeline Parish, a single parish governing authority with a population of less than 200,000.

The Board considered a request for an advisory opinion in Docket No. 13-361 regarding the privatization of services with the Department of Health and Hospitals (DHH), Office of Public Health (OPH) and what effect the post-employment restrictions will have the employees of the public agencies who will now be employed with a private, non-profit entity. On motion made, seconded and unanimously passed, the Board concluded that, based upon the unique circumstances of the privatization of governmental services, no violation of the Code of Governmental Ethics is presented by former employees being employed by a former entity since their former agency no

longer provides such services, provided the former employees do not participate in the governmental entity's decision to privatize the services. The Board further concluded that no action needs to be taken, with respect to the Code of Governmental Ethics, to "re-employ" the individuals in question.

The Board considered charges issued in Docket No. 12-1058 against Howard Oubre, Jr., a member of the Iberville Parish Council, District 7, for failing to file his 2009 Tier 3 annual, 2010 Tier 3 annual and 2010 Tier 3 candidate personal financial disclosure statements. On motion made, seconded and unanimously passed, the Board dismissed the charges against Mr. Oubre, since the required reports had been filed.

The Board unanimously agreed to add consideration of the proposed consent opinion involving Walter Steve Lee in consolidated Docket Nos. 09-692, 10-052, 10-187, 10-125, 10-460, 10-248, 10-471 and 10-646. On motion made, seconded and unanimously passed, the Board adopted the consent opinion for publication in which Steve Lee, a former member of the St. John the Baptist Parish Council, agrees that (1) in Docket No. 10-187, a violation of Section 1111C(2)(d) of the Code of Governmental Ethics occurred by his receipt of commissions from an insurance broker or agent who received commissions from insurance companies that had a contractual or other business or financial relationship with St. John the Baptist Parish; (2) in Docket No. 10-471, a violation of Section 1112B(5) of the Code of Governmental Ethics occurred by his participation in transactions to award St. John the Baptist Parish contracts to vendors at a time when Mr. Lee received commissions from an insurance broker for referring the vendors to the insurance broker; and, (3) in Docket Nos. 10-248 and 10-471, a violation of Section 1111C(2)(d) of the Code of Governmental Ethics occurred by his receipt of commissions from an insurance broker for referring certain clients to the insurance broker at a time when those clients had a contractual or other business or financial

relationship with St. John the Baptist Parish and in which Walter Steve Lee agrees to pay a fine of \$50,000. The consent opinion further ordered that the Board of Ethics further dismisses with prejudice all other charges brought against Walter Steve Lee in EAB Docket Nos. 2010-3847-Ethics-B; 2011-5417-Ethics-B; and, 2011-12166-Ethics-B and that the consent opinion resolves and disposes of all potential violations of the Code of Governmental Ethics when Walter Steve Lee earned or received commissions from B&A Insurance Agency, Inc.; Wayne Francingues d/b/a Francingues Financial Group; and Louisiana Service of Norco, Inc. d/b/a Louisiana Insurance Service while Walter Steve Lee served on the St. John the Baptist Parish Council.

The Board dismissed the charges in Docket No. 11-1345 against Rayburn and Elaine Boland regarding the employment of Elaine Boland with the Louisiana School for the Deaf while her husband, Rayburn Boland, served as principal.

The Board dismissed the charges in Docket No. 11-1557 against Lawrence Haas regarding the failure to amend his 2009 Tier 2 candidate personal financial disclosure statement.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered an Order issued by the Ethics Adjudicatory Board (EAB) in Docket No. 5012-73 regarding the appeal of a late fee assessed against Empower Pac for the late filing of their monthly campaign finance report. On motion made, seconded and unanimously passed, the Board instructed the staff to appeal the Order of the Ethics Adjudicatory Board (EAB) to the First Circuit Court of Appeal.

The Board unanimously adjourned at 12:04 p.m.

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Secretary

APPROVED:

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Chairman